

POLICY FOR INSPECTION AND RELEASE OF PUBLIC RECORDS
Adopted by the Trinidad City Council April 10, 2002

The City of Trinidad supports the principle that every citizen has a fundamental and necessary right to information concerning the conduct of business in this local agency. The exemptions provided in the Public Records Act are discretionary; the City may withhold this information, but it is not required to, unless disclosure is prohibited by law.

PROCEDURE:

(1) Public records must be open for inspection during regular office hours and copies must be made available promptly when a requestor has a right to them. A list of public records available without a written request is posted in the City office.

(2) If a member of the public requests any public document(s) which are not immediately available for review or duplication, that person should be directed to make the request in writing, and it should be specific enough to locate the record(s). All requests for public records should be sent to the Office of the City Clerk, P.O. Box 390, Trinidad, CA 95570. The City Clerk will forward a copy of the request to the City Attorney.

(3) For records requested in writing the Clerk must determine in ten (10) calendar days whether all or part of the records requested can be provided. The Clerk will notify the City Attorney of his determination and ask for verification.

(4) Prior to release of public information, the material must be reviewed carefully to make certain that it does not contain any information about a particular individual that could be defined as "personal information" under the Information Practices Act. The City Attorney should be consulted when trying to make a determination as to whether material should be released or not. Where discretion is allowed, the protection of privacy should override the option to disclose.

(5) If the City Attorney determines that part or all of the requested records cannot be made available, the Attorney will send a written explanation to the requestor stating the reason for denial and the names and titles of each person responsible for the denial.

(6) The City may not disclose a record to some members of the public while withholding it from others. Such a selective disclosure may constitute waiver of the exemption (unless the disclosure is prohibited by law or obtained the information through special legal access; limited legal proposes; prohibited leaks; intergovernmental exemptions; or regulatory disclosures.) Gov. Code Sec. 6254.5.

(7) Formal complaints regarding record requests or disclosure shall be directed to the Office of the City Clerk, with a copy forwarded to the City Attorney upon receipt.

(8) In unusual circumstances, the ten (10) day time limit may be extended by ten (10) working days if the reasons for the delay and the date on which a determination is expected are specified. Unusual circumstances are limited to the following:

- The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
- The need for consultation with another agency having a substantial interest in determination of the request or among two or more departments having substantial subject matter interest therein.

(9) THE FOLLOWING TYPES OF RECORDS SHOULD NOT BE DISCLOSED

- Personnel Records.
- Medical Records.
- Home Telephone numbers or Addresses.
- Social Security Numbers.
- Trade Secrets.
- Documents subject to the Attorney-Client privilege, such as records pertaining to pending litigation to which the City is a party.
- Documents protected from disclosure by the State Constitution related to privacy.
- Certain law enforcement records (such as investigations conducted by the City Police Department or other agencies).
- Records protected from disclosure by State and Federal laws.
- All questions regarding disclosure of particular documents may be resolved by the City Attorney.

(10) RECOVERABLE COSTS

The Office of the City Clerk may recover the following actual costs:

- Staff time spent constructing new records from various source documents (i.e., in order to supply the requested information, data from a variety of source documents has to be extracted and combined to form an entirely new record).

- Staff time spent deleting “personal” or “confidential” information (in accordance with the Information Practices Act) prior to release of existing records.
- Computer Services.
- Fees for duplicating tapes.
- The Office of the City Clerk may charge \$0.25 per page or \$0.25 per extract for copying costs plus the time of the employee doing the photocopying.
- The Office of the City Clerk may ask for the advance of a deposit of the estimated costs of duplication, at the time of the request, if such request calls for a response which is voluminous.
- The Office of the City Clerk will not be required to mail requested documents, unless the request is accompanied by a self-addressed envelope, with proper amount of postage pre-applied.

The following costs may NOT be recovered by the Office of the City Clerk:

- Location, reviewing, or assembling records.
- Annotating or explaining a record in order to make it reasonably comprehensible.
- Postage.
- It is preferable for payment to be made prior to or at the time of delivery of the material. Checks should be made out to the City of Trinidad. All funds collected are to be deposited with the City cashier.
- Any reasonable segregable portion of a record shall be provided to any person requesting such record after deletion of the portions, which are exempt by law.

END

Adopted by City Council action 1/08/03